UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

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)	No. 4:18-CV-1568 RLW
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<u>ORDER</u>

This matter is before the Court on the parties' joint motion to modify the Case Management Order ("CMO"). (ECF No. 98) The parties request the Court extend the deadline to join additional parties and amend pleadings by 48 days, until October 15, 2020. For the following reasons, the Court will grant the motion only in part.

Next month this case will have been pending two years. From the record, it would appear the parties have spent most of this time attempting to uncover the identify of the John Doe defendants. About a month ago, on July 24, 2020, the parties came to the Court requesting modification of the CMO. The Court granted the motion, in part, in light of how long this case had been pending. See Second Amended CMO, ECF No. 97. The Court extended all the deadlines in the CMO, although not to the extent the parties would have liked. But notably, the parties requested that the deadline to join additional parties and amend pleadings be extended to August 28, 2020, and the Court granted that request.

The Court ordered in the Second Amended CMO that the CMO would not be further modified "absent exceptional circumstances." <u>Id.</u> (emphasis in original). The parties state in their current motion that they have been working together this past month to identify John Doe

defendants, and there is additional work to do. The Court commends the parties for their efforts, but they have not provided the Court with factual support showing that "exceptional circumstances" exist that would require the extension. The term "expectational circumstances" is more than just words, and the Court will not grant such a long extension without a showing that something out of the ordinary or unexpected occurred. This litigation needs to move forward.

That being said, the Court is aware that some of the John Doe defendants have been identified since the last Complaint was filed, and it is Plaintiff's intention to add these individuals as named defendants. The deadline to join additional parties and amend the pleadings expires today. The Court, therefore, will extend this deadline by one week.

Accordingly,

IT IS HEREBY ORDERED that the parties' joint motion to amend the Case Management Order is **GRANTED**, in part. All motions for joinder of additional parties or amendment of pleadings shall be filed no later than **September 4, 2020**. In all other respects the motion is **DENIED**. [ECF No. 98]

Ronnie L. White
RONNIE L. WHITE

UNITED STATES DISTRICT JUDGE

Dated this day of August, 2020.